


State of Alabama Unified Judicial System Form AR Civ-93 Rev. 5/99	COVER SHEET CIRCUIT COURT - CIVIL CASE (Not For Domestic Relations Cases)	Case Number: 46-CV-200 Date of Filing: 05/28/2008	 ELECTRONICALLY FILED 5/28/2008 3:35 PM CV-2008-900039.00 CIRCUIT COURT OF MACON COUNTY, ALABAMA DAVID LOVE, JR., CLERK
GENERAL INFORMATION			
IN THE CIRCUIT OF MACON COUNTY, ALABAMA DOROTHY BAKER ET AL v. PROGRESSIVE CORPORATION, INC. ET AL			
First Plaintiff: <input type="checkbox"/> Business <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Government <input type="checkbox"/> Other		First Defendant: <input checked="" type="checkbox"/> Business <input type="checkbox"/> Individual <input type="checkbox"/> Government <input type="checkbox"/> Other	
NATURE OF SUIT:			
TORTS: PERSONAL INJURY <input type="checkbox"/> WDEA - Wrongful Death <input checked="" type="checkbox"/> TONG - Negligence: General <input type="checkbox"/> TOMV - Negligence: Motor Vehicle <input type="checkbox"/> TOWA - Wantonnes <input type="checkbox"/> TOPL - Product Liability/AEMLD <input type="checkbox"/> TOMM - Malpractice-Medical <input type="checkbox"/> TOLM - Malpractice-Legal <input type="checkbox"/> TOOM - Malpractice-Other <input type="checkbox"/> TBFM - Fraud/Bad Faith/Misrepresentation <input type="checkbox"/> TOXX - Other: _____		OTHER CIVIL FILINGS (cont'd) <input type="checkbox"/> MSXX - Birth/Death Certificate Modification/Bond Forfeiture Appeal/Enforcement of Agency Subpoena/Petition to Preserve <input type="checkbox"/> CVRT - Civil Rights <input type="checkbox"/> COND - Condemnation/Eminent Domain/Right-of-Way <input type="checkbox"/> CTMP-Contempt of Court <input type="checkbox"/> CONT-Contract/Ejectment/Writ of Seizure <input type="checkbox"/> TOCN - Conversion <input type="checkbox"/> EQND- Equity Non-Damages Actions/Declaratory Judgment/Injunction Election Contest/Quiet Title/Sale For Division <input type="checkbox"/> CVUD-Eviction Appeal/Unlawful Detainer <input type="checkbox"/> FORJ-Foreign Judgment <input type="checkbox"/> FORF-Fruits of Crime Forfeiture <input type="checkbox"/> MSHC-Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition <input type="checkbox"/> PFAB-Protection From Abuse <input type="checkbox"/> FELA-Railroad/Seaman (FELA) <input type="checkbox"/> RPRO-Real Property <input type="checkbox"/> WTEG-Will/Trust/Estate/Guardianship/Conservatorship <input type="checkbox"/> COMP-Workers' Compensation <input type="checkbox"/> CVXX-Miscellaneous Circuit Civil Case	
TORTS: PERSONAL INJURY <input type="checkbox"/> TOPE - Personal Property <input type="checkbox"/> TORE - Real Property OTHER CIVIL FILINGS <input type="checkbox"/> ABAN - Abandoned Automobile <input type="checkbox"/> ACCT - Account & Nonmortgage <input type="checkbox"/> APAA - Administrative Agency Appeal <input type="checkbox"/> ADPA - Administrative Procedure Act <input type="checkbox"/> ANPS - Adults in Need of Protective Services			
ORIGIN: F <input checked="" type="checkbox"/> INITIAL FILING R <input type="checkbox"/> REMANDED		A <input type="checkbox"/> APPEAL FROM DISTRICT COURT T <input type="checkbox"/> TRANSFERRED FROM OTHER CIRCUIT COURT	
HAS JURY TRIAL BEEN DEMANDED? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
RELIEF REQUESTED: <input checked="" type="checkbox"/> MONETARY AWARD REQUESTED <input type="checkbox"/> NO MONETARY AWARD REQUESTED			
ATTORNEY CODE: RUS038		5/28/2008 3:34:54 PM /s VALERIE RUSSELL	
MEDIATION REQUESTED: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Undecided			

Exhibit B

State of Alabama Unified Judicial System Form C-34 Rev 6/88	SUMMONS - CIVIL -	Case Number: 46-CV-2008-900039.00
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IN THE CIVIL COURT OF MACON, ALABAMA
DOROTHY BAKER ET AL v. PROGRESSIVE CORPORATION, INC. ET AL

PROGRESSIVE CORPORATION, INC., THE CORP COMPANY, 2000 INTERSTATE PK STE 204, MONTGOMERY AL, 36109

NOTICE TO

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE OPPOSING PARTY'S ATTORNEY VALERIE DIANNE RUCKER RUSSELL

WHOSE ADDRESS IS POST OFFICE BOX 830419, TUSKEGEE AL, 36083

THE ANSWER MUST BE MAILED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.

TO ANY SHERIFF OR ANY PERSONNEL AUTHORIZED by the Alabama Rules of the Civil Procedure:

☐ You are hereby commanded to serve this summons and a copy of the complaint in this action upon the defendant

☒ Service by certified mail of this summons is initiated upon the written request of DOROTHY BAKER
 pursuant to the Alabama Rules of the Civil Procedure

5/28/2008 3:35:44 PM

Date

/s DAVID LOVE, JR.

Clerk/Register

By

☒ Certified mail is hereby requested

/s VALERIE DIANNE RUCKER

RUSSELL
 Plaintiff's/Attorney's Signature

RETURN ON SERVICE:

☐ Return receipt of certified mail received in this office on _____

☐ I certify that I personally delivered a copy of the Summons and Complaint to _____

_____ in _____ County, Alabama on _____

 Date

 Server's Signature

State of Alabama Unified Judicial System Form C-34 Rev 6/88	SUMMONS - CIVIL -	Case Number: 46-CV-2008-900039.00
-------------------------------------------------------------------	------------------------------------	----------------------------------------------------

IN THE CIVIL COURT OF MACON, ALABAMA
DOROTHY BAKER ET AL v. PROGRESSIVE CORPORATION, INC. ET AL

PROGRESSIVE SPECIALITY INS CO, CORPORATE COMPANY, 2000 INTERSTATE PK DR, STE 204, MONTGOMERY AL, 36109

NOTICE TO _____

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5/28/2008 3:35:44 PM
 Date

/s DAVID LOVE, JR.
 Clerk/Register

 By

☒ Certified mail is hereby requested

/s VALERIE DIANNE RUCKER
RUSSELL
 Plaintiff's/Attorney's Signature

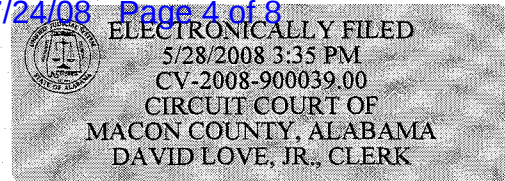
RETURN ON SERVICE:

☐ Return receipt of certified mail received in this office on _____

☐ I certify that I personally delivered a copy of the Summons and Complaint to _____
 _____ in _____ County, Alabama on _____

 Date

 Server's Signature



IN THE CIRCUIT COURT OF MACON COUNTY, ALABAMA

Dorothy Baker, Janice Broaden, Sherry
 Bronson, Classie Bryant, Alberta
 Buckhanon, Louise Cooks, Julia Cotton,
 Latofia Crimes, Linda Didley, Denness
 Ellis, George Ewell, Willie France,
 Maxine Harrison, Essie Hill, April Hurt,
 Chanelle Jackson, Ella Jenkins, Cecil
 Jones, Larry Jones, Catherine Lane,
 Katina Larkins, Ranzell McClain, Ola
 McCray, Richard Mount, Valerie Oliver,
 Charles Parker, Oliva Reid, Susie
 Rivers, Ray Smith, Ida Spencer, and
 Vivian Williams,

Plaintiffs,

vs.

THE PROGRESSIVE CORPORATION,
 INC., THE PROGRESSIVE
 SPECIALTY INSURANCE COMPANY,
 and Fictitious Defendants
 "A-Z", whether singular or plural, as
 those other persons, corporations, firms
 or other entities whose wrongful
 conduct caused or contributed to cause
 the injuries and damages to the
 Plaintiffs, all of whose true and correct
 names are unknown to Plaintiffs at this
 time, but will be added by
 amendment when ascertained,

Defendants.

CIVIL ACTION NO. CV-08-_____

COMPLAINT

Count One

1. Plaintiffs Dorothy Baker, Janice Broaden, Sherry Bronson, Classie Bryant, Alberta Buckhanon, Louise Cooks, Julia Cotton, Latofia Crimes, Linda Didley, Denness Ellis, George Ewell, Willie France, Maxine Harrison, Essie Hill, April Hurt, Chanelle Jackson,

Ella Jenkins, Cecil Jones, Larry Jones, Catherine Lane, Katina Larkins, Ranzell McClain, Ola McCray, Richard Mount, Valerie Oliver, Charles Parker, Oliva Reid, Susie Rivers, Ray Smith, Ida Spencer, and Vivian Williams are over the age of majority and are resident citizens of the State of Alabama. Each Plaintiff obtained an insurance policy with Defendants.

2. Defendant The Progressive Corporation ("TPC") is an Ohio corporation with its principal place of business in Mayfield Village, Ohio. TPC has sufficient contacts with the State of Alabama to warrant this Court's jurisdiction over it.
3. Defendant Progressive Specialty Insurance Company is an entity that engaged in the course of conduct described in this Complaint, and is incorporated in Ohio. Progressive Specialty has sufficient contacts with the State of Alabama to warrant this Court's jurisdiction over it.
4. Fictitious Defendants "A-Z" whether singular or plural, are those other persons, firms, corporations, or other entities whose wrongful conduct caused or contributed to cause the injuries and damages to the Plaintiffs, all of whose true and correct names are unknown to Plaintiffs at this time, but will be substituted by amendment when ascertained. The terms "Defendants" and "Progressive" as used herein shall include all named defendants as well as all fictitious defendants.

FACTUAL ALLEGATIONS

5. Plaintiffs are currently or were holders of a policy or policies of insurance issued by the Defendants.
6. Defendant has utilized a review of Plaintiff's consumer report or other information from

a consumer reporting agency (hereinafter "CRA") in determining premiums, terms and for underwriting for the policy(s) issued to Plaintiffs.

7. Based on a review of CRA information, Defendant's took adverse action regarding Plaintiff's policy of insurance.
8. Defendant failed to notify Plaintiff's of the same.
9. Defendant's negligently and/or willfully violated applicable laws.
10. As a result, Plaintiff's were injured or damaged.
11. Defendant's failed to provide proper notice of adverse action to Plaintiffs who were denied insurance coverage, had insurance cancelled, or were charged or quoted higher premiums based in whole or in part on information contained in their consumer reports.
12. The named Plaintiffs paid for the policies and were victims of or all of the conduct described herein. As a proximate consequence, Plaintiffs were injured and damaged in that they paid excessive charges. Plaintiffs also suffered mental anguish and were otherwise injured and damaged.

WHEREFORE, premises considered, each Plaintiff prays separately for a judgment for compensatory and punitive damages not to exceed \$75,000 each, exclusive of interest and costs.

Count Two

13. Plaintiffs adopt by reference and incorporate all prior paragraphs.
14. By virtue of the affirmative representations made by them, which representations were false or misleading without the disclosure of other material facts and by virtue of other special circumstances related to this case, defendants had a duty to disclose to Plaintiffs certain material facts referenced in Count One.

15. Rather than disclose said material facts, defendants intentionally, or recklessly and wantonly, suppressed them with the intention of misleading Plaintiffs.
16. As a proximate consequence of said suppressions, Plaintiffs relied and were injured as aforesaid.

WHEREFORE, premises considered, each Plaintiff prays separately for a judgment for compensatory and punitive damages not to exceed \$75,000 each, exclusive of interest and costs. The total amount sought by each Plaintiff in this lawsuit, cumulative of all counts in the complaint, is not to exceed \$75,000 exclusive of interest and costs.

Count Three

17. Plaintiffs adopt by reference and incorporate herein the material allegations of the preceding counts of the Complaint.
18. As a result of the foregoing conduct engaged in by defendants, Defendants have been unjustly enriched to the detriment and injury of Plaintiffs.

WHEREFORE, premises considered, Plaintiffs pray that defendants be required to disgorge and to pay over to Plaintiffs all sums by which Defendants have been unjustly enriched to Plaintiffs' detriment and injury, and that Plaintiffs be further awarded their attorney fees, costs of court, and such other, further, and different relief as to which they may be entitled in the premises. The total amount sought by each Plaintiff in this lawsuit, cumulative of all counts in the complaint, is not to exceed \$75,000 exclusive of interest and costs.

Respectfully Submitted,

/s/ Valerie Rucker Russell
VALERIE RUCKER RUSSELL (RUS038)
JOCK M. SMITH (SMIO47)
Attorneys for Plaintiffs

OF COUNSEL:
COCHRAN, CHERRY, GIVENS
& SMITH
Post Office Box 830419
Tuskegee, Alabama 36083
Tel: (334) 727-0060
Fax: (334) 727-7197

PLAINTIFFS DEMAND A TRIAL BY STRUCK JURY ON ALL ISSUES SO TRIABLE

/s/ Valerie Rucker Russell
Of counsel

NOTE: This lawsuit is brought in its entirety only on the basis of state law claims. The total amount sought by each Plaintiff in this lawsuit, cumulative of all counts in the complaint, is not to exceed \$75,000 exclusive of interest and costs.